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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,133	12/20/2001	Charles E. Brugger	82187NAB	2430
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Milton S. Sales Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201		EXAMINER WORKU, NEGUSSIE		
		ART UNIT 2625		PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/028,133

**Applicant(s)**

BRUGGER ET AL.

**Examiner**

NEGUSSIE WORKU

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### **RESTRICTION**

1. Applicant's election of Group I, claims 1-10, in replay filed on 08/02/08 are acknowledge. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818-103(a).

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 4, there is insufficient antecedent basis for this limitation in the claims where depend therefrom.

#### ***Response to Arguments***

4. Applicant's arguments filed 9/18/2006 have been fully considered but they are not persuasive.

Regarding claims 1 the Applicant alleged that the combination of cited prior art fails to show or suggest, "all of the limitation of claim 1".

In response, the Examiner respectfully disagrees, because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case, the Examiner asserts that the combination of the prior arts cited when considered as a whole clearly teaches that a scanning system (100 of fig 1) supporting platen (100a flatbed type scanner) and sheet-fed scanning (100b, ADF image type scanner of fig 1) of documents comprising: a first scanning unit (image reading unit 100a of fig 1) with a first enclosure housing a first set of mechanisms for sheet-fed, (ADF type image reading 100c and 100a of fig 1), double-sided scanning functions, (ADF type image scanner has a function of double sided scanning) said first scanning unit (100a of fig 1) further comprising a connection to a computer (control unit 301 of fig 1); and a second scanning unit (100b of fig 1) with a second enclosure, attached to said first scanning unit (100a of fig 1) through a first tether interface, and including a second set of mechanisms for single-sided platen scanning of documents (glass type scanner 100a of fig 1) wherein: and said first and second scanning units are physically separated (ADF scanning unit 100b,c and flatbed scanning unit 100a of fig 1, are physically separated, as shown in fig 1) .

But Nakajima et al. does not teach or disclose wherein said first tether interface provides for power from said first scanning unit to said second scanning unit; said first tether interface transmits digital information between. Koyanagi et al. in the same area of connecting image scanner to the host computer and to other different devices, teaches wherein said first tether interface provides for power from said first scanning

unit to said second scanning unit, (as shown in fig 2, scanner 11 of fig 2, connected to scanner 11, via interface 12 of fig 2); said first tether interface (interface cable 12 of fig 1) transmits digital information between said first (21 of fig 3, and second scanning unit 11 of fig 3), transmit power as well as data information from the scanner to the computer 13 of fig 3, col. 5, 20-30).

In view of the above, having the system of Nakajima and then given the well-established teaching of Koyanagi, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of the prior arts.

For the above reasons, the Examiner asserts that the combination of the reference cited does in fact shows the present claimed invention is known to ordinary skilled in the art at the time of the invention was made, thus, the rejections are maintained as follows:

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 12-21, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nakajima et al. (USP 5,532,841) in view of koyanagi ET al. (USP 5,424,844).

With regard to claim 1, Nakajima et al. teaches a scanning system (100 of fig 1) supporting platen (100a flatbed type scanner) and sheet-fed scanning (100b, ADF image type scanner of fig 1) of documents comprising:

a first scanning unit (image reading unit 100a of fig 1) with a first enclosure housing a first set of mechanisms for sheet-fed, (ADF type image reading 100c and 100a of fig 1), double-sided scanning functions, (ADF type image scanner has a function of double sided scanning) said first scanning unit (100a of fig 1) further comprising a connection to a computer (control unit 301 of fig 1); and

a second scanning unit (100b of fig 1) with a second enclosure, attached to said first scanning unit (100a of fig 1) through a first tether interface, and including a second set of mechanisms for single-sided platen scanning of documents (glass type scanner 100a of fig 1) wherein: and said first and second scanning units are physically separated (ADF scanning unit 10b, c and flatbed scanning unit 100a of fig 1, are physically separated, as shown in fig 1). But Nakajima et al. does not teach or disclose

wherein said first tether interface provides for power from said first scanning unit to said second scanning unit; said first tether interface transmits digital information between

Koyanagi et al. in the same area of connecting image scanner to the host computer and to other different devices, teaches wherein said first tether interface provides for

power from said first scanning unit to said second scanning unit, (as shown in fig 2, scanner 11 of fig 2, connected to scanner 11, via interface 12 of fig 2); said first tether interface (interface cable 12 of fig 1) transmits digital information between said first (21 of fig 3, and second scanning unit 11 of fig 3), transmit power as well as data information from the scanner to the computer 13 of fig 3, col. 5, 20-30).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nakajima to include: first tether interface provides for power from said first scanning unit to said second scanning unit; said first tether interface transmits digital information between said first and second scanning units.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Nakajima by the teaching of Koyanagi, for the purpose of having a flexible connectivity between various devices, such as plurality of scanner or printer and computer, in order easily exchange data between plurality of devices by facilitating a network image data sharing environment.

With respect to claim 2, Nakajima et al. discloses the scanning system (as shown in fig 1) wherein a plurality of digital scanning devices (scanning device 100a-100c of fig 1), are attached to said first scanning unit (100a of fig 2) through said tether interface (interface 164 of fig 6).

With respect to claim 3, Nakajima et al. discloses the scanning system (as shown

in fig 1 ) wherein a plurality of digital scanning devices (scanning device 100a-100c of fig 1) are attached to said first scanning unit (100a of fig 2) through said tether interface (interface 164 of fig 6), for scanning checks or tickets (scanning document) in combination with the first scanning unit (100a of fig 2).

With respect to claim 4, Nakajima et al. discloses the scanning system (as shown in fig 1 ) wherein a plurality of digital scanning devices (scanning device 100a-100c of fig 1), comprise at least one digital camera (CCD 151 of fig 2) for capturing digital photographs (photoelectric converter 151 of fig 5).

With respect to claim 5, Nakajima et al. discloses the scanning system (fig 1) wherein a unit control (controller 150 of fig 6) and image processing electronics (signal processor 152 of fig 6) contained in said first scanning unit (scanner 100 of fig 5) handle data control and camera movement, (co1.5, lines 35-40) for both said first scanning unit and said second scanning unit, (co1.6, line 53-56).

With respect to claim 6, Nakajima et al. discloses the scanning system (fig 1), Wherein said first scanning unit (100 of fig 5) and said second scanning unit share a Common host address (main control unit 300 of fig 1).

With respect to claim 7, Nakajima et al. discloses the scanning system (fig 1), wherein a third scanning unit (image reading unit 100c of fig 1) with a third enclosure are

attached to said first scanning unit (100a of fig 1 ) through said tether interface (controller 150 is provided with. interface circuit 164 for external equipments, (col.6, lines 60-65).

With respect to claim 8, Nakajima et al. discloses the scanning system (fig 1 ), wherein said tether interface is an electronic cable, (interface circuit 164 for external equipments, (col.6, lines 60-65).

With respect to claim 12, Nakajima et al. discloses the scanning system (fig 1 wherein said first set of mechanisms (102a, 102b, 104 of fig 2) of said first scanning unit (image reading unit 100a of fig 1 ) comprise: a feeder opening (cover 107 to be open to feed the document for scanning) through which paper documents are fed into said first scanning unit (100a of fig 2); an exit opening (cover 107 of fig 2) adapted to output scanned documents from said first scanning unit (100a of fig 1); a paper pathway extending from said feeder opening to said exit opening (tray 118 of fig 3, for receiving document from feeder opening); and a first image-forming subsystem (image forming 100a of fig 2), disposed within said first scanning unit for scanning images appearing on documents fed through said feeder opening (tray 100a of fig 2).

With respect to claim 13, Nakajima et al. discloses the scanning system (fig 1) said feeder opening (platen cover 107); reflection means (mirror 103b, 103c of fig 2 disposed for guiding reflected light from said paper documents to said lens (104 of fig

2); and a camera (CCD sensor 151 of fig 2) for capturing an image of said reflective light.

With respect to claim 14, Nakajima discloses the scanning system (as shown in fig 1) further comprising a feed roller disposed about said feeder opening and adapted to facilitate the introduction of said documents into said first paper pathway (feed roller is a means for feeding the document)..

With respect to claim 15, Nakajima teaches the scanning system (as shown in fig 1) further comprising a separation roller disposed adjacent to said feed roller and adapted to ensure that only a single sheet of paper is fed through said feeder opening at any one time (paper feed mechanism in the image forming system., inherently provides rollers for separating a single sheet from tray).

With respect to claim 16, Nakajima teaches the scanning system (as shown in fig 1) further comprising a plurality of rollers disposed about said paper pathway and configured for facilitating the transmission of paper documents from said feeder opening to said exit opening (a system of fig 1, comprises a document feed mechanism, which includes paper feed path from entering and exiting the image forming system of fig 1)..

With respect to claim 17, Nakajima discloses the scanning system (as shown in fig 1) wherein said first image-forming sub-system comprises: a lens (lens (104 of fig 2); a light source disposed about said first paper pathway for directing light into paper documents entering said first scanning unit through said feeder opening; reflection means disposed for guiding reflected light from said paper documents to said lens; and

a camera for capturing an image of said reflective light (mirror 103b, 103c of fig 2 disposed for guiding reflected light from said paper documents to said lens 104 of fig 2).

With respect to claim 18, Nakajima et al. discloses the scanning system (fig 1), wherein said reflection means (mirror 103b and 103c of fig 2) comprises mirrors.

With respect to claim 19, Nakajima et al. discloses the scanning system (fig 1), wherein said second enclosure of said second scanning unit (100a of fig 2) further comprises a substantially flat upper surface (platen 106 of fig 2).

With respect to claim 20, Nakajima et al. discloses the scanning system (fig 1) Wherein said second enclosure further comprising a glass top (platen 106 of fig 2) fixed to said upper surface and providing a platform upon which documents can be placed (Platen covers 107 of fig 2).

With respect to claim 21, Nakajima et al. discloses the scanning system (fig 1), further comprising: a lid (document cover 107 of fig 2) for covering documents placed on said glass top (platen 106 of fig 2); and a hinging means coupling one end of said lid, (co1.7, lines 55-57).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/  
Examiner, Art Unit 2625

/Edward L. Coles/  
Supervisory Patent Examiner, Art Unit 2625